

## **REMARKS**

Applicant thanks the Examiner for courtesy extended in the telephonic interview of August 2, 2007. Amendments to the claims have been made based upon the Examiner's suggestions, which, pending further consideration, should place the application in condition for allowance. Claims 1-20 are now pending and stand rejected in the application. Minor amendments have been made to claims 1-4, 11-14, and 20 to simply overcome the rejections of the claims under 35 U.S.C. § 112 and 35 U.S.C. § 101. Support for the amendments can be found in the written description, figures, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant believes that this rejection has been accommodated by the amendments to the claims.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 1-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant believes that this rejection has been accommodated by the amendments to the claims. Based upon the Interim Guidelines for Subject Matter Eligibility, the claims as amended are statutory subject matter. The claims

include functional descriptive material that is structurally and functionally related to a computer-readable medium.

Further, the apparatus and methods are not a mathematical algorithm, but allow more efficient computation of a radix raised to a power. See, for example, paragraph [0009] of the printed publication, which states “[t]he present invention provides a technique for computing the exponent portion of a floating point data type that avoids the computation expense of converting an integer data type to a floating point data type.”


The present claims are therefore similar to those considered in *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (CAFC 1994). *In re Lowry*, which is described in Annex IV of the Subject Matter Eligibility Guidelines, considered claims to “data structures that provide tangible benefits: data stored in accordance with the claimed data structures are more easily accessed stored, and erased.” *Id.* at 1035. The court concluded that “Lowry’s data structures are physical entities that provide increased efficiency in computer operation.” *Id.* Similarly, the present claims represent physical entities that provide increased efficiency in computer operation. For at least these reasons, Applicant believes that the present claims constitute statutory subject matter.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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